HEROLD LAW, P. A.
Craig S. Provorny, Attorney Id. No. 021601986
25 Independence Boulevard
Warren, New Jersey 07059-6747
(908) 647-1022 (Tel)
(908) 647-7721 (Fax)
cprovorny@heroldlaw.com
Attorneys for Defendants Sam S. Russo d/b/a Suzie Q. Farm and Sam S. Russo, Inc.

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, Plaintiff, v. SAM S. RUSSO, individually, SAM S. RUSSO, INC., and SUZIE Q. RUSSO, LLC, d/b/a/ SUZIE Q. FARM, Defendants.	SUPERIOR COURT OF NEW JERSEY OCEAN COUNTY--LAW DIVISION DOCKET NO. OCN-001974-19 CIVIL ACTION **CERTIFICATION OF LAWRENCE G. BRUNT**

LAWRENCE G. BRUNT, being of full age, hereby certifies as follows:

1. I make this Certification in support of the supplemental opposition of Defendants Sam S. Russo d/b/a Suzie Q. Farm and to the Order Show Cause and Verified Complaint filed by the New Jersey Department of Environmental Protection ("NJDEP").

2. I am fully familiar with the facts set forth herein.

3. I am employed as a Principal Engineer with Arcadis US, Inc. A copy of my curriculum vitae is attached hereto as Exhibit A.

4. Some of the services Arcadis performs, as it relates to environmental consulting and litigation, are site investigation, remediation, engineering and treatment systems, construction management, wastewater system design and installation, and expert analysis and testimony.

5. Over my career I have reviewed thousands of sampling analyses at hundreds of remediation sites and for due diligence activities.

6. In connection with this litigation I was asked to review the most recent Certifications of Thomas Farrell and Bryan C. Barrett and to review all of the full reports of the soil sampling conducted by the New Jersey Department of Environmental Protection at the farm owned by Sam Russo.

Farrell Supplemental Certification

7. At Paragraph 12 of the First Supplemental Certification of Thomas Farrell ("Farrell Supp. Cert.") Farrell states as follows: "Samples of non-native soils taken at borings DG-6 and DG-8 show that Mr. Russo has accepted contaminated soil for disposal at this property." Based on my forty-two (42) years of experience in the environmental and engineering field, at this point Farrell does not have any evidence to support his claim Russo imported contaminated fill. The soil with the PCB contamination could very well have been brought to the farm prior to Sam Russo's ownership.

8. The same holds true for the pesticide contamination, being Dieldrin and Aldrin. Pesticides are regularly used in farming activities. And, specifically with regard to Dieldrin and Aldrin, as Farrell states in Paragraph 14 of the Farrell Supp. Cert., Dieldrin and Aldrin ceased being used in the 1970's and were banned completely in the 1980's. Again, since Dieldrin and Aldrin have not been used for almost forty (40) years and the fact this property was used as a farm prior to Sam Russo's ownership, it leads me to believe the pesticide contamination is present from historical farm operations and not from contaminated fill brought onto the property by Defendants.

9. Similarly, at Paragraphs 22 through 26 of the Farrell Supp. Cert. Farrell makes claims about Defendants' operations being the source of arsenic found at sediment sample PS-2

and in the first page of the table attached as Exhibit B. Arsenic and the substances shown on Exhibit B are all used in pesticides. Again, given the fact this property was used as a farm prior to Sam Russo's ownership, the arsenic and other pesticides may be as a result of historic farm operations. As with the PCB sample results, Farrell does not have evidence to support his claim that Sam Russo's operations are the source of the arsenic and other pesticides listed in Exhibit B or that these pesticides were brought to the property in soil received by Mr. Russo.

10. And, given that in all likelihood the pesticides at the property are from historic operations under the NJDEP Historically Applied Pesticides Technical Guidance, NJDEP does not require any action to be taken to address these pesticides found at the farm.

11. One further point about the arsenic is that in the sample results it showed up in only one sample location above NJDEP standards. What that says to me is that the arsenic is in all likelihood isolated to this one location and not throughout the property at levels above NJDEP residential direct contact soil remediation standards.

12. And, the same holds true for the sample results for the PCBs in two locations and Dieldrin and Aldrin in one location. Again, what this says to me is the PCBs, Dieldrin and Aldrin are in all likelihood isolated and not found throughout the property.

13. At Paragraph 19 of the Farrell Supp. Cert. Farrell talks about other contaminants found at the property below even residential soil remediation standards and attaches the list of contaminants at Exhibit B. What Farrell does not inform the Court is that NJDEP considers soil with contaminants below residential soil remediation standards to be considered clean fill. So, the table with the soil results below residential soil remediation standards, some with dilution and estimated qualifiers, are irrelevant.

14. In my forty-two (42) years of inspections and investigations of hundreds of projects these results are hardly indicative of operation of a solid waste facility or widespread contamination. I have reviewed all of NJDEP's soil sample reports and have determined the following: NJDEP collected soil samples from nine borings installed across the site. 9 soil samples were collected from 8 locations and submitted to a certified laboratory for analysis for target analyte list (TAL) metals (including mercury), semi-volatile organic compounds (base neutral compounds and acid extractables), polychlorinated biphenyls, and pesticides. The laboratory analyses for each sample included 23 metals, 85 semi-volatile organic compounds, 9 PCB Aroclors and 21 pesticides, for a total of 138 analytes per each sample. For the sampling event, 1,242 analytes were evaluated from the nine samples and of the 1,242 analytes only 5 analytes were detected above the NJDEP's most stringent Residential Direct Contact Soil Remediation Standards (RDCSRS), meaning that of all the samples analyzed 1,237 analytes were below the RDCSRS.

Bryan C. Barrett Supplemental Certification

15. At Paragraphs 15 through 18 of the First Supplemental Certification of Bryan C. Barrett ("Barrett Supp. Cert.") Barrett discusses the bacteriological sample results for water sample results PS-1 through PS-5. PS-5 represents the furthest upstream sample for what is coming onto the property and PS-1 represents the furthest downstream sample for what is leaving the property.

16. What Barrett does not inform the Court in the Barrett Supp. Cert. is that everything leaving the property is either below the surface water quality standards or below what is entering the property at PS-5, though it should also be pointed out that Streptococci and Total Coliform do not have surface water quality standards. The results are shown at Table 1 of the Barrett Supp. Cert. So, if you were to monitor what is leaving this site E-Coli Fecal Coliform, and Enterococci

are less than what is entering the site from upstream and Streptococci and Total Coliform do not have surface water quality standards.

17. The same holds true to the nutrient and solid levels shown in Table 2 of the Barrett Supp. Cert. Everything leaving the property at PS-1 is either below the surface water quality standard or what is entering the property upstream at PS-5.

18. Based on Tables 1 and 2 whatever is found in the stream is localized to the property boundaries.

I hereby certify the above facts are true to the best of my knowledge and ability. I am aware that if any of the above facts are willfully false I am subject to punishment.

/s/ Lawrence G. Brunt
Lawrence G. Brunt
Principal Engineer
Arcadis

Dated: October 25, 2019

RULE 1:4-4(C) CERTIFICATION

I hereby certify that the affiant acknowledged the genuineness of the above signature and the original documents will be filed if requested by the Court or any party to his action.

/s/ Craig S. Provorny
Craig S. Provorny

Dated: October 25, 2019

EXHIBIT A

ARCADIS Design & Consultancy for natural and built assets

Education
BS Summa Cum Laude, Civil Engineering, Bucknell University, 1977

Years of Experience
Total - 42
With ARCADIS - 14

Lawrence G. Brunt, PE

Principal Engineer

Mr. Brunt has 42 years of experience in the environmental, process and civil engineering fields. He has directed numerous projects involving site investigation and remediation of contaminated industrial sites. He has worked on several hundred projects in New Jersey dealing with the Industrial Site Recovery Act (ISRA). These projects have included the development of sampling plans, performance of remedial site investigations, evaluation of cleanup alternatives, completion of feasibility studies, design of remediation systems, and supervision and management of final cleanup activities. Mr. Brunt also has directed numerous compliance and due diligence audits of industrial and commercial facilities to identify potential liabilities, evaluate facility environmental compliance programs and permitting, and to evaluate waste disposal and handling procedures. He developed guidelines for the petrochemical industry for performing field investigations and evaluating and selecting remedial measures at contaminated sites. Mr. Brunt has provided expert testimony and litigation support on several ISRA matters and a variety of sites involving soil and groundwater contamination.

Project Experience

Analysis and Expert Testimony
Principal Environmental Engineer providing analysis and expert testimony regarding impacts from past underground storage tank (UST) operations onsite. Reviewed site characterization data and documents related to groundwater contamination and operations at site. Performed decay modeling and evaluated site data to determine potential age of contamination. Prepared expert report concerning sources and age of contamination. Provided depositional testimony and developed investigation plan for settlement agreement. Negotiated with New Jersey Department of Environmental Protection (NJDEP) concerning required site activities. Currently managing the ongoing soil and groundwater investigation activities.

Site Investigation and Remedial Actions
Project Manager for site investigation and remedial actions being implemented at IMO Industries Trenton facility pursuant to ISRA. The investigation and remediation activities have included delineating areas of soil contamination and groundwater impacted with free product, assessing the extent of fill material in areas at the site, evaluating the impacts to groundwater from previous UST operations, and performing aquifer characterization tasks for the preparation of a groundwater Classification Exception Area (CEA). The project objectives are to close the ISRA case through the completion of additional investigation activities and the establishment of engineering and institutional controls for residual contamination of groundwater and soil.

Soil and Groundwater Remediation Project

Principal Environmental Engineer for soil and groundwater remediation project at a Former Hot-Stamping Foil Production Facility. The project involved extensive soil and groundwater investigation/remediation activities required as part of an ISRA triggering event. The activities included removal of seven solvent/waste solvent USTs, removal of drums and soil containing pigments and polychlorinated biphenyls (PCBs), installation of over 20 shallow and deep monitoring wells, and installation and operation of a soil vapor extraction and groundwater recovery and treatment system Additional activities included the delineation of PCBs in over 3 acres of wetlands and the preparation of an Ecological Risk Assessment to evaluate the impact of the PCBs on the natural environment in the area. Preparation for the remedial activities included the preparation of Freshwater Wetlands, Stream Encroachment and Soil Erosion Control Permits.

ISRA Compliance and Expert Testimony Activities

Project Director for ISRA compliance and expert testimony activities for a Former Fragrance Manufacturer. Performed site investigation and remedial activities for numerous areas of concern to address free product, priority pollutant metals, base neutrals, PCBs and volatile organic compounds in soil and groundwater. Reviewed aerial photographs, documents and historic information to determine sources of contamination and past uses of site. Evaluated alternate cleanup levels and performed remedial alternatives analysis to identify potential remedial options. Prepared contractor bid documents for remedial actions, and performed bid evaluations and contractor reviews. Supervised contractors and implementation of remedial actions. For expert case, reviewed site characterization data, operational information and documents related to soil and groundwater contamination at site. Prepared expert report for sources, extent, and age of contamination. Developed cost estimates and performed risk analysis on remedial scenarios. Provided depositional testimony and technical assistance in negotiations with plaintiff.

Expert Testimony Regarding Investigation and ISRA Compliance Activities

Provided Expert Testimony Regarding Investigation and ISRA Compliance Activities for a Fabric Printing and Dyeing Operation located in Paterson, New Jersey. Performed site investigation activities for various areas of concern to address free product, PCBs and volatile organic compounds in soil and groundwater. Reviewed documents and historic information to evaluate ISRA compliance and determine sources of contamination and past uses of site. Evaluated site characterization data, operational information and documents related to soil and groundwater contamination at site. Prepared expert report and provided technical assistance and litigation support to counsel.

Regulatory and ISRA Compliance Activities

Project Director for Regulatory and ISRA Compliance Activities at a Sealant Manufacturer. The activities included the removal of underground solvent tanks, waste tank and fuel oil tanks. Additional site activities included the delineation, removal and disposal of PCB contaminated soils

in a hazardous waste landfill. The sampling, remediation and site restoration were conducted during on-going facility operations, which required intensive coordination with facility material delivery and production requirements. Groundwater monitoring activities also were conducted which indicated impact to the groundwater by chlorinated solvents. A review of facility operations, groundwater flow directions and off-site facilities confirmed that the contamination was due to off-site sources. As a major facility storing petroleum and hazardous substances, a DPCC and DCR plan was prepared pursuant to the New Jersey (NJ) Spill Act. In addition, facility operations were evaluated to minimize VOC emissions and optimize production capacity. Subchapter 8 air permits were subsequently amended to reflect the optimized operations.

Multi-Phase Investigation and Remediation of Hexavalent Chromium Contamination
Project director for all aspects of the investigation and remediation of hexavalent chromium contamination in the soil, groundwater and surface water at this former electroplating facility for locomotive crank shafts. Forty-five years of chromium plating operations had impacted the soil and groundwater underlying the facility. The contamination had impacted a downgradient stream through transport in the weathered rock and fractures in the shallow bedrock beneath the site. An in-situ chemical reduction program was developed and implemented using calcium polysulfide to convert hexavalent chromium to trivalent chromium in the impacted soils and groundwater at the site. Groundwater and surface water monitoring is ongoing to evaluate the effects of the treatment activities. In addition, treatment systems which intercept seeps of contaminated water were re-designed and upgraded during the remediation process. The activities are being performed under the superfund program and have been coordinated through USEPA and PADEP. As part of the remedy implementation, various public participation activities were conducted to communicate the remediation activities to the nearby residents.

Regulatory Compliance Support
Provided Ongoing Regulatory Compliance Support for a Specialty Lubricant Manufacturer. Inventoried air emission sources, prepared Subchapter 8 permits, performed State-of-the-Art Analysis, evaluated and determined strategies for Title V compliance, and prepared annual emission statements. Performed ongoing NJPDES Discharge to Groundwater and Surface Water monitoring activities and reporting. Evaluated manufacturing operations and provided recommendations for performance improvement and environmental management systems. Identified pollution prevention opportunities for development of pollution prevention plan. Evaluated stormwater permitting requirements, prepared permit application, and developed Stormwater Pollution Prevention (SWPP) Plan. Evaluated facility Spill Prevention Control and Countermeasures (SPCC) and discharge prevention, containment and countermeasure (DPCC) and discharge cleanup and removal (DCR) plans and provided recommendations for upgrades.

ISRA Compliance Activities
Project Director for the site investigation of a former lead chromate pigment production plant in Paterson, New Jersey. The change of ownership and subsequent cessation of operations

triggered the NJDEP ISRA investigation of this facility. Site investigation activities included sampling of soils beneath the concrete floor of the plant, as well as outside beneath an aboveground storage tank farm. The findings prompted the installation of shallow and deep groundwater monitoring wells at this site adjacent to the Passaic River. Extensive lead contamination was detected in the soils as well as in an area of the groundwater beneath the facility. TCE contamination also was found in the groundwater, but was determined to be originating from an off-site source. A Remedial Investigation Report and Remedial Action Workplan were prepared proposing removal of the exposed lead contaminated soils and capping/ Deed Notice (DN) for the impacted soils beneath the facility floor. Preparation of a Classification Exception Area (CEA) was proposed for the area of groundwater containing elevated levels of lead.

ISRA Remedial Investigation Activities
Principal Environmental Engineer for the investigation and remediation of a former foundry site which involved extensive soil sampling, delineation of groundwater plumes (toluene, xylenes and PCE/TCE) using groundwater probes and shallow, deep and bedrock monitoring wells, and removal of USTs (gasoline, solvent and fuel oil). Remedial activities included facility decommissioning, removal and disposal of PCB-containing transformers, soil excavation/capping and Deed Notices, and installation of a soil vapor extraction system. A Remedial Action Workplan for groundwater remediation (in-situ oxidation) and NJPDES Discharge to Groundwater Permit Application also were prepared and submitted to NJDEP for review.

Brownfields Redevelopment Oversight
Project Director for oversight and monitoring of the site development and remediation activities performed as part of a Brownfields Redevelopment project in which a retail facility was constructed on the site of a former chemical manufacturing plant (PVO Foods International) where soil and groundwater had been impacted with a variety of contaminants including volatile organic compounds and metals. Responsible for overall client coordination and direction of field oversight monitoring during the site redevelopment and environmental remediation. Reviewed Site Management and Remedial Action Workplans and developed a strategy and schedule for monitoring the development activities and collecting the necessary information for documenting the redevelopment with NJDEP. Provided recommendations to Boonton Investors as the redevelopment occurs. Prepared required documents, including Remedial Action Report and Deed Notice, to establish the institutional controls and document the redevelopment activities with NJDEP at the completion of the site redevelopment.

Program Manager for National Contract to Provide Environmental Due Diligence and Regulatory Compliance Services for JPMorgan Chase NA throughout the United States.
Developed audit procedures and managed multi-facility audits during acquisition of other institutions such as Bank of New York and Washington Mutual. Managed program for ongoing Phase I and Phase II assessments of potential new build sites. Directed indoor air quality assessments, mold investigations and remediation, asbestos surveys and abatement, lead based assessments, vapor intrusion assessments and remediation, and other regulatory compliance

issues such as underground storage tank compliance, Spill Prevention Control and Countermeasures Plans, and air permitting for operating facilities.

Environmental Site Assessment (ESA) Audit Program

Project Director for an Environmental Site Assessment (ESA) Audit Program for Over 50 Facilities in the Northeastern United States (US). Developed audit program for millwork and building supply facilities. Prepared audit protocol to comply with American Society for Testing and Materials (ASTM) requirements and the lending institution's requirements. Developed schedule and procedures for completing audits, reviewed with staff and provided training. Coordinated audit activities and provided Quality Assurance (QA) and Quality Control (QC) review of audit reports. Performed risk analysis and developed costs for potential liabilities identified in audit program. Completed activities within 60 days.

QA/QC

Principal Environmental Engineer for QA/QC of Environmental Activities Completed in Accordance with ASTM and Client Requirements at Proposed Wireless Telecommunication Facilities for Major Northeast US Telecommunication Providers. Prepared Phase I ESA reports documenting environmental conditions and providing recommendations for individual sites. Directed Phase II investigations as recommended in Phase I ESAs and as required to meet client objectives.

Insurance Recovery Activities

Expert for Insurance Recovery Activities for Impacts Associated with a Release from a Gasoline Service Center. Performed remedial investigation activities to evaluate the extent of volatile organic compounds (VOCs) contaminated soil and groundwater at the site. Reviewed documents and historic information to determine sources of contamination. Evaluated site characterization data, operational information and documents related to soil and groundwater contamination at site. Performed remedial alternatives analysis to determine recommended remedial actions. Developed cost estimates and performed risk analysis on remedial scenarios. Provided technical assistance to counsel in ongoing negotiations with insurance companies. Successfully negotiated agreement for completing investigation and performing remedial actions.

SPCC Plan, DPCC and DCR Plan

Project Engineer for Development of a SPCC Plan, DPCC and DCR Plan at a Pharmaceutical Manufacturing Facility in New Jersey. Responsibilities included site inspection and assessment of existing chemical handling and storage facilities and practices, development of Best Management Practices, review of the SPCC plan and development of the DPCC/DCR plans. The DPCC/DCR Plans are required pursuant to the NJ Spill Act for major facilities storing petroleum or hazardous substances.